

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39445 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- PATAHI District- East Champaran

Abdul Firoz Son of Jalal Miyan @ Jalil Alam Resident of Village - Ward No.-
12 Champapur, P.S.- Patahi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Suraj Kumar Tiwari, Advocate
For the Opposite Party/s	:	Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Patahi P.S Case No. 55 of 2024 lodged under Sections 272, 273 of the Indian Penal Code read with Section 30 (a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, the F.I.R. has been lodged against three named accused persons including the petitioner and recovery of 180 liter of wine has alleged to be made which is subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the said recovery has been made in two parts i.e., 168 liter of wine has been recovery from another vehicle and 12 liter of



wine has been recovered from petitioner's motorcycle on which petitioner was sitting.

5. Counsel further submits that petitioner's antecedent is not clean. There are 5 criminal cases pending against him in which he is on bail in 4 cases and in one case, he is persuading for bail. He submits that petitioner is in custody since 09.04.2024. Counsel further submits that he will not commit such mistake in future.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Learned Exclusive Special Excise, Court No. 3, Civil Court, East Champaran at Motihari, Bihar in connection with Patahi P. S Case No. 55 of 2024 subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details



are as follows:-

- i. Patahi P.S. Case No.176 of 2019.
- ii. Patahi P.S. Case No.42 of 2020.
- iii. Patahi P.S. Case No.201 of 2021.
- iv. Patahi P.S. Case no. 20 of 2024
- v. Patahi P.S. Case No.70 of 2024.

(Dr. Anshuman, J.)

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